

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**RAMONA MATTHEWS**

**PLAINTIFF**

**VS.**

**CAUSE NO. 4:13-CV-00007-SA-JMV**

**PETER NWANKWO and  
MISSISSIPPI VALLEY STATE UNIVERSITY**

**DEFENDANTS**

**ANSWER AND AFFIRMATIVE DEFENSES**

COMES NOW Defendant Mississippi Valley State University and files its Answer and Affirmative Defenses to the complaint as follows:

**FIRST DEFENSE**

The complaint fails to state a claim against the defendant upon which relief can be granted.

**SECOND DEFENSE**

The claims are barred by the Statute of Limitations.

**THIRD DEFENSE**

The claims are barred by sovereign immunity and/or Section 11-46-1, et. seq. of the Mississippi Code of 1972, as amended.

**FOURTH DEFENSE**

Defendants assert all rights and defenses available under the Mississippi Tort Claims Act, Mississippi Code §11-46-1 et seq.

**FIFTH DEFENSE**

The claims are barred by the Eleventh Amendment to the Constitution of the United States of America.

**SIXTH DEFENSE**

Plaintiff has failed to exhaust her administrative remedies.

**SEVENTH DEFENSE**

This action is barred by sovereign immunity.

**EIGHTH DEFENSE**

Plaintiff's claims to punitive damages herein are barred by §11-46-15(2), *Mississippi Code, Annotated(1972)*, as amended.

**NINTH DEFENSE**

Defendants invoke their Constitutional Rights to due process of laws, equal protection and freedom from excessive fines under the Constitution of the United States and the Mississippi Constitution of 1890, pursuant to any claims by plaintiff for punitive damages.

**TENTH DEFENSE**

Defendants further hereby reserve the right to assert any other affirmative defenses that may be demonstrated by further investigation and/or discovery in this action.

**ELEVENTH DEFENSE**

The Defendant, now responds and answers the allegations contained in the complaint as follows:

**PARTIES**

1. Defendant admit the allegations contained in paragraph numbered 1 of the complaint.
2. Defendant denies the allegation contained in paragraph numbered 2 of the complaint.
3. Defendant denies the allegation contained in paragraph numbered 3 of the complaint.

**JURISDICTION**

4. Defendant denies the allegation contained in paragraph numbered 4 of the complaint.
5. Defendant denies the allegation contained in paragraph numbered 5 of the complaint.

**FACTS**

6. Defendant denies the allegation contained in paragraph numbered 6 of the complaint.

**ACTUAL DAMAGES**

7. Defendant denies the allegation contained in paragraph numbered 7 of the complaint and denies the sentences in paragraph numbered 7 identified as “a” through “e” respectively.
8. Defendant denies the allegation contained in paragraph numbered 8 of the complaint.

Defendant denies the allegations and demands set forth in the paragraph beginning with “WHEREFORE”.

WHEREFORE, Defendant Mississippi Valley State University denies that plaintiff is entitled to any relief whatsoever from defendant and requests judgment in its favor and dismissal of the complaint plus all costs in this action and any other relief to which it is entitled.

**RESPECTFULLY SUBMITTED** this the 28<sup>th</sup> day of May, 2013.

**MISSISSIPPI VALLEY STATE UNIVERSITY**

By: PURDIE & METZ, PLLC

BY: s/James T. Metz

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**CERTIFICATE OF SERVICE**

I, James T. Metz, of counsel for Defendant, Mississippi Valley State University, does hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

James C. Patton, Jr.  
PATTON LAW OFFICE  
Post Office Box 80291  
Starkville, Mississippi 39759

*jpatton@pattonlawoffice.net*

This the 28<sup>th</sup> day of May, 2013.

s/ James T. Metz